

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: GOOGLE DIGITAL
ADVERTISING ANTITRUST
LITIGATION

This Document Relates To:

Flag Publications, Inc. v.
Google, LLC, et al.
No.1:21-cv-06871-PKC

Civil Action No. 21-md-3010 (PKC)

**PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL WITHOUT
PREJUDICE PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 41(a)(1)**

PLEASE TAKE NOTICE that Plaintiff Flag Publications, Inc., pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), hereby voluntarily dismisses *without prejudice* all claims asserted in this civil action by Plaintiff Flag Publications, Inc. against Defendants Google LLC and Meta Platforms, Inc. f/k/a Facebook, Inc. This voluntary dismissal does not alter or affect the pendency of the claims of any other Plaintiff in the Consolidated Amended Complaint or this litigation.

Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

(a) Voluntary Dismissal.

(1) *By the Plaintiff.*

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.

Here, Defendants have neither answered Plaintiff's Consolidated Amended Complaint, nor filed a motion for summary judgment. Accordingly, this matter may be dismissed without prejudice and without an Order of the Court.

DATED: December 5, 2023

Respectfully Submitted,

Flag Publications, Inc., *Plaintiff*,

/s/ Clayton J. Fitzsimmons

Robert P. Fitzsimmons

(Admitted Pro Hac Vice)

Clayton J. Fitzsimmons

(Admitted Pro Hac Vice)

Mark A. Colantonio

(Admitted Pro Hac Vice)

FITZSIMMONS LAW FIRM PLLC

1609 Warwood Avenue

Wheeling, WV 26003

Telephone: (304) 277-1700

Fax: (304) 277-1705

bob@fitzsimmonsfirm.com

clayton@fitzsimmonsfirm.com

mark@fitzsimmonsfirm.com

Counsel for Plaintiff Flag Publications, Inc.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Plaintiff's Notice of Voluntary Dismissal Without Prejudice Pursuant to Federal Rule of Civil Procedure 41(a)(1)* was filed with the Court's CM/ECF electronic filing system, this 5th day of December, 2023.

/s/ Clayton J. Fitzsimmons

Robert P. Fitzsimmons
(Admitted Pro Hac Vice)
Clayton J. Fitzsimmons
(Admitted Pro Hac Vice)
Mark A. Colantonio
(Admitted Pro Hac Vice)

FITZSIMMONS LAW FIRM PLLC

1609 Warwood Avenue
Wheeling, WV 26003
Telephone: (304) 277-1700
Fax: (304) 277-1705
bob@fitzsimmonsfirm.com
clayton@fitzsimmonsfirm.com
mark@fitzsimmonsfirm.com

Counsel for Plaintiff Flag Publications, Inc.